

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:17 CR 530 RWS
)	
ALFONSO R. HAYDEN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Court referred this matter to United States Magistrate Judge Nannette A. Baker for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On March 12, 2020, Judge Baker filed her Report and Recommendation that defendant's motions to suppress and motions to dismiss should be denied. [136].

Defendant objects to the Report and Recommendation by raising the same arguments made in front of Judge Baker, and this Court has conducted a de novo review of all matters relative to defendant's motions and objections. After careful consideration, I will adopt and sustain Judge Baker's thorough Report and Recommendation in its entirety and deny the motions to suppress and the motions to dismiss. I agree with Judge Baker's analysis that there was probable cause to

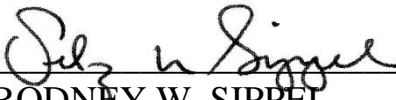
arrest defendant and that the fentanyl was seized pursuant to a valid search incident to arrest. Judge Baker also correctly concluded that the Superseding Indictment is not multiplicitous because each count charges defendant for offenses that involve different facts, circumstances, or elements of the crime. Defendant merely restates his previously-made arguments for the remaining issues raised in the motions to suppress and motions to dismiss. I conclude that Judge Baker correctly analyzed and rejected these arguments, and I adopt her reasoning in overruling defendant's objections. For the reasons set out in the Report and Recommendation, defendant's objections [143] to Judge Baker's recommendations are overruled, and the motions to suppress and motions to dismiss will be denied.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on March 12, 2020 [136] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that defendant's objections to the Report and Recommendation [143] are overruled.

IT IS FURTHER ORDERED that defendant's motions to suppress evidence and statements [35, 121] and motions to dismiss [122, 123] are denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 11th day of May, 2020.